

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMSUN LOGIX CORP.,	:	
	:	
Plaintiff,	:	Case No. 10-cv-4203
v.	:	
	:	
BANK OF CHINA, <i>et al.</i> ,	:	
	:	
Defendants.	:	
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SUPPLEMENTAL NOTICE OF REMOVAL

Under 9 U.S.C. § 205, 12 U.S.C. §§ 632 and 3102, and Local Rule 81.1, Defendant Standard Chartered Bank ("Standard Chartered") hereby submits this Supplemental Notice of Removal to supplement the Notice of Removal filed on May 24, 2010, by Bank of China and Bank of Communications Co. Ltd., which removed the above-captioned action to this Court from the Supreme Court of the State of New York, County of New York. In support of this Supplemental Notice of Removal, Standard Chartered states as follows:

1. On November 5, 2008, Samsun Logix Corp. ("Plaintiff") commenced an action in the United States District Court for the Southern District of New York ("District Court") against Dalian Dong Zhan Group Co. Ltd. ("DZG"), Beitai Iron and Steel Group Importing and Exporting Co. Ltd. ("Beitai"), and Hong Kong Dongzhan Logistics Ltd. in connection with a maritime contract of affreightment between the Plaintiff, DZG, and Beitai. That case bears index number 08 Civ. 9458 (VM). Plaintiff also commenced arbitration proceedings in London against DZG.

2. On or about July 24, 2009, a London tribunal awarded Plaintiff a final arbitration award of \$6,243,771.88 with interest at a rate of 4% per annum plus arbitrators' fees and costs.

The District Court entered an order recognizing this award under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, *see* 9 U.S.C. § 201 *et seq.*, on January 11, 2010. The District Court entered Judgment on March 5, 2010 awarding the Plaintiff \$6,582,272.25.

State Court Proceeding

3. On April 8, 2010, Plaintiff registered the Transcript of Judgment issued by the District Court with the County Clerk, New York County.

4. On April 21, 2010, Plaintiff filed a Petition and a proposed Order to Show Cause in Support of a Petition for Turnover Order for Payment of Debts due Judgment Debtor in the Supreme Court of the State of New York, County of New York (the “State Court Action”). The Supreme Court of the State of New York issued the Order to Show Cause on April 23, 2010. On April 27, 2010, Plaintiff served Standard Chartered with the Petition and related papers in this matter. A copy of those papers is attached as Exhibit A hereto. On May 21, 2010, Plaintiff filed a Notice of Discontinuance discontinuing the State Court Action against Defendants Shin Han Bank and Oversea-Chinese Banking Corporation, Ltd. A copy of the Notice of Discontinuance is attached as Exhibit B hereto.

5. The aforementioned documents constitute all of the process, pleadings, and orders in the State Court Action. Copies have been attached hereto.

6. As of this date, the Defendants have not pled, answered, or otherwise appeared in the State Court Action. Further, to the best of Defendants’ knowledge, no other proceeding has transpired in that action.

Grounds for Removal

7. As stated in the Notice of Removal filed on May 24, 2010, Defendant Bank of Communications Co. Ltd. is a Federal branch of a foreign bank duly organized and existing under the laws of the People's Republic of China.

8. As stated in the Notice of Removal filed on May 24, 2010, Defendant Bank of China is a Federal branch of a foreign bank duly organized and existing under the laws of the People's Republic of China.

9. 12 U.S.C. § 3102(b) states that the "operations of a foreign bank at a Federal branch or agency shall be conducted with the same rights and privileges as a national bank at the same location." 12 USC § 632 states that all suits involving a national bank "arising out of transactions involving international or foreign banking . . . shall be deemed to arise under the laws of the United States."

10. The Petition arises out of transactions involving international or foreign banking within the meaning of 12 U.S.C. § 632.

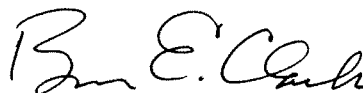
11. The subject matter of the State Court Action also relates to an arbitration award falling under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958.

12. Accordingly, this Court has original jurisdiction over this action under federal law, and the State Court Action may be removed to this Court under 9 U.S.C. § 205 and 28 U.S.C. § 1441.

13. Venue is proper in this Court because the State Court Action was pending in this District.

14. Standard Chartered has contacted counsel for Defendants Bank of China, Bank of Communications Co. Ltd., China Construction Bank Corporation, China Merchants Bank Co., Ltd., Industrial and Commercial Bank of China Limited, Agricultural Bank of China, and Bank of America, each of which consents to the removal of this action to this Court. Standard Chartered is unaware of whether any of the other Defendants identified in the Petition have been served with process in this action.

Dated: May 27, 2010
New York, New York



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